

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

**Priority**  
**Yes**

**Claimed**  
**No**

\_\_\_\_\_  
(Number)      (Country)      (Day/Month/Year)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Number)      (Country)      (Day/Month/Year)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Number)      (Country)      (Day/Month/Year)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as best defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(granted, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(granted, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Anthony P. DeLio, Reg. No. 18,729; Peter W. Peterson, Reg. No. 31,867; Robert Curcio, Reg. No. 44,638; John J. Tomaszewski, Reg. No. 26,241; Kelly M. Reynolds, Reg. No. 47,898; all of DELIO & PETERSON, LLC.

Send Correspondence to:

DeLIO & PETERSON, LLC  
121 Whitney Avenue  
New Haven, CT 06510

Direct Telephone Calls to: Kelly M. Reynolds of DeLIO & PETERSON, LLC at (203) 787-0595.

Eric Herbst

  
Inventor's Signature

2/6/04  
Date

North Haven  
Residence-City

Connecticut  
Residence-State/Foreign Country

USA  
Country of Citizenship

Eric Herbst, 10 Allen Road, North Haven, Connecticut 06473  
Post Office Address

DOCKET: FOOT100001000

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Eric Herbst )  
SERIAL NO.: )  
FILED: )  
FOR: **FOOT OPERATED FLUSHING )**  
**APPARATUS AND METHOD**

**DECLARATION CLAIMING SMALL ENTITY STATUS**  
**[37 CFR 1.9(f) and 1.27(b)] - INDEPENDENT INVENTOR**

As a below-named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled FOOT OPERATED FLUSHING MECHANISM, described in the Specification filed herewith.

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d).

If the rights held by me are not exclusive, each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract of law to assign, grant, convey, or license any rights in the invention is listed below and identified as either an individual, a small business concern, or a nonprofit organization.

Full Name and Address

Small Entity Status

None

Separate verified statements from each above named person, concern, or organization having rights to the invention and averring to their status as small entities are submitted herewith.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate [37 CFR 1.28(b)].

-2-

I hereby declare that all statements made herein of my own knowledge are true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

  
Eric Herbst

February 6, 2004  
Date

DOCKET: FOOT100001000

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR: Eric Herbst

TITLE: FOOT OPERATED FLUSHING  
APPARATUS AND METHOD

DATE: February 6, 2004

**NONPUBLICATION REQUEST UNDER 35 U.S.C. § 122(b)(2)(B)(i)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

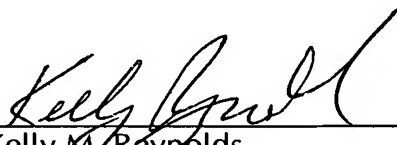
Dear Sir:

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. § 122(b).

Respectfully submitted,

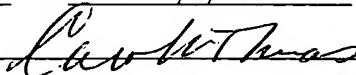
Dated: February 6, 2004

  
\_\_\_\_\_  
Kelly M. Reynolds  
Reg. No. 47,898

DeLIO & PETERSON, LLC  
121 Whitney Avenue  
New Haven, CT 06510-1241  
(203)787-0595

**CERTIFICATE OF MAILING UNDER 37 CFR 1.10**

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to Mail Stop Assignment Recordation Services, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22323-1450, as "Express Mail Post Office to Addressee"  
Mailing Label No. EV332852833US on February 6, 2004

Name: Carol M. Thomas Signature:   
foot100001000nonpub